

MENU LABELING AD HOC COMMITTEE

11-8-07 11:00 to 2:00

QFC @ U Village training room

Next meeting: November 29, 9:00 to noon, QFC @ U Village

Present:

16 Industry representatives

8 Public Health staff:

Dennis Worsham, Regional Health Officer & Project Manager

Mark Rowe, Food and Facilities Program Manager

Gary Kickbusch, Food Program Technical Assistance

Donna Oberg, Nutrition Consultant

Leonard Winchester, Food Inspector

Reema Rafii, Communications

Jennifer Johnson, Health Education Consultant, facilitator

After introductions, Dennis discussed that both regulations were passed to improve the health of King County, and that the ad hoc committees are one of several ways public health is gathering information. As part of the implementation, public health will be conducting evaluations as a way of receiving feedback from consumers.

A hypothesis for introducing the menu labeling regulation was that people wanted nutrient information available while eating out.. A "Behavior Risk Factor Surveillance System" (BRFSS) phone survey was conducted to test this hypothesis, and of the 600 calls, 65% favored nutrition labeling at chain restaurants.

Public Health will continue to do BRFSS and other evaluation methods to answer the questions about the effectiveness of menu labeling and what impacts it is having towards behavior change.

Public Health is estimating that about 2000 plus food establishments will be fall under this rule. These 2000 plus restaurants represent between 180 – 190 chain establishments

One evaluation method that is being considered at this time is to conduct exit interviews after costumers leave the restaurant. A similar method was conducted in New York City. Ad hoc members were asked if they would mind a survey at their establishment. Donna offered to send them the questions so they could make an informed decision.

Donna also reviewed the Guidance for Nutritional Analysis, and reminded the committee that this was not an exclusive list.

Both the questions generated at the October 11 meeting and the answers were distributed with the draft policy and procedure for review and comment. (please see "question and answer" sheets distributed to meeting attached to this email)

Questions Public Health is still working to address:

- #5 - menu items that may have several standard recipes – is that considered “substantially the same?”
- #7 is steam table service defined as “self serve?”
- #8 clarification on size/font on menu

New questions:

- How should choices that go with main dish be listed (if at all) if they’re not listed on the menu as “sides?” *A: PH will consider*
- What about a cafeteria style – like the Hagen’s “Rice Bowl with 2 toppings” *A: PH will consider*
- How do establishments record salad and other dressings if not listed on the menu? *A: PH will consider*
- Using a baked potato as an example, what about customization? List it with the works (what if works (sour cream, bacon, cheese, etc) are not on the menu? (Chris from RUI – “menu labeling becomes misleading if there’s customization) *A: PH will consider*
- How would “soup and salad” be labeled? Different soups each day, sandwich is individual choice. *A: PH will consider*
- Self serve soda – does it require labeling? *A: If it’s on menu board*
- Nutritional Analysis Guidelines: Add language to indicate that lists (Appendix A,B and C) are not exclusive and there may be other options available to industry.

Questions from review of Draft Policy and Procedure:

- 4.1.2 & .3 - if menu doesn’t have prices, labeling still required?
- 4.1.2 & 3 – what does “pictorial” mean? What does it include? Posters? Marketing? Etc?
- 4.1.5 & 5.1 clarify with examples
- **4.1.6.1** “family style” - label “per serving?”
- **4.1.6.2** - 6th bullet – awkward – clarify. Example, chicken by box, no label, by piece, labeled.
- **4.2** does industry have to put all nutrition info on menu? Give examples of how it can work
- **4.2** – when using software for nutritional analysis, number of milligrams of sodium is not calculated.
- **4.3** clarify “similar to other info” on the menu
- **4.4** PH bring samples of menu boards with labeling on them
- **4.5** can PH show as many examples as possible of “substantially equivalent”?
- **4.6** (PH answer) PH will offer nutritionist as technical assistance if questions arise about nutritional analysis
- **4.7** What does this disclaimer really mean?

Committee members expressed concerns about the 20% (plus or minus) spread in a particular serving. One restaurant group noted that chefs may add more butter, cream, salt or sugar to a standard recipe to make the recipe taste right – then it could be way off. That could be dangerous with sodium.

Public Health will take the questions under consideration and send a new draft out to committee members before the next meeting on November 29th.

Menu Labeling Ad Hoc Stakeholders Committee

Responses to Questions from Ad Hoc Meeting - October 11, 2007

QUESTIONS	ANSWERS
1. Define “chain store”.	<ul style="list-style-type: none"> • A chain food establishment <u>including those located in stores</u> is defined by the King County Board of Health Menu Labeling regulation as: <ul style="list-style-type: none"> • one of at least ten establishments in the U.S., • <u>and</u> • doing business under the same name regardless of whether the food establishments are subject to the same ownership or type of ownership, • <u>and</u> • collectively having at least \$1 million in gross annual sales, • <u>and</u> • offering for sale substantially the same menu items
2. Define “doing business under the same name”.	<ul style="list-style-type: none"> • According to the menu labeling regulation passed by King County Board of Health, “doing business under the same name” is only one of several requirements to qualify for providing menu labeling. • “Doing business under the same name” requires that the business name for at least 10 establishments in the U.S. is the same, however, there may be a an identifier, such as, Starbucks at Pioneer Square, or Renton Issaquah Shell (convenience store).
3. Do menus need to reflect everything on the plate? • What about “sides?”	<ul style="list-style-type: none"> • All foods served to a customer for each standard menu item on a menu or menu board, including a meal, are required to be included in the nutrition information provided on the menu or menu board. • Standard menu item side dishes listed on the menu or menu board will be required to provide nutrition information according to the portion size served.
4. Is menu labeling required for “self-serve” items?	<ul style="list-style-type: none"> • According to the menu labeling regulation passed by King County Board of Health, “self-serve” menu items do not require menu labeling. • Exceptions listed in the menu labeling regulation include: a salad bar, buffet line, cafeteria service or similar self-service arrangements and condiments.
4. Menu labeling – can one side of the menu have nutrition information next to the standard menu items and the other side just have the menu items listed?	<ul style="list-style-type: none"> • If the nutrition information is listed near the menu items on the menu according the directions below the regulation requirement is met and therefore could have menu items listed on alternate portion of menu without nutrition information. • The King County Board of Health menu regulation states: “Each chain food establishment that provides a menu shall provide the nutrition labeling of food required under subsection A of this section next to each standard menu item on the menu in a size and typeface similar to other information about each standard menu item.”
5. Menu items listed on the menu may have several different standard recipes and is selected by the chef on any given day at any of the chain food establishments. What about menu labeling for these menu items?	<ul style="list-style-type: none"> • The menu labeling regulations is based on the fact that one standard recipe would be used in preparation of a standardized menu item to conduct nutritional analysis on the menu item. Therefore, the menu item that is does not have one standardized recipe would not qualify for nutrition menu labeling.

6. Define standard menu items on menu for more than 60 calendar days.	<ul style="list-style-type: none"> • Standard menu items require nutrition menu labeling if they are on the menu for more than 60 calendar days per year. The days do not need to be consecutive. • The purpose of this definition is to allow for seasonal menu items and new recipes to be served without requiring nutritional analysis until they become a standard menu item on the menu for more than 60 days.
7. Is steam table service defined as “self serve”?	<ul style="list-style-type: none"> • Steam table service in a buffet line, cafeteria service or similar self service arrangement would not qualify for nutrition menu labeling.
8. What is the size/font requirement for nutrition labeling?	<ul style="list-style-type: none"> • Menu labeling for standard menu items on the menu for more than 60 days are required to be listed next to each standard menu time in a size and typeface similar to the other information about each standard menu item.
9. For alcoholic beverages that do not have nutrition information what is recommended?	<ul style="list-style-type: none"> • For alcoholic beverages that do not have nutrition information the information can be requested from the manufacturer. If the manufacturer will not provide, keep letter on file to document that the information was requested and denied.
10. What should be used as a measure for “per serving”?	<ul style="list-style-type: none"> • The nutrition menu labeling is required to be provided according to the portion served to the customer for a standard menu item.